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09/516,655	03/01/2000	Thomas C. Thompson		3209

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EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/516,655

Applicant(s)

THOMPSON, THOMAS C.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-23 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the acute angle (claims 2 and 3), the acute angle offsetting the blocking webs from the base web (claim 5), and the opposite directions (claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "the offset web has an acute angled bend attached to the base web" (claim 1), "another acute angled bend attached to the blocking web" (claim 1), "blocking tabs" offset, angled, blocking tabs" (claim 15).

Claim Objections

Claims 1-5, 7-9, 16 and 18-20 are objected to because of the following informalities:

regarding claim 1, the limitation "web" in line 11 should be --webs--;

regarding claim 2, the comma in line 4 should be deleted;

regarding claim 3, the limitation "a first generally horizontal bend" in line 2 is unclear whether the acute angled bend is the same bend as recited in claim 1 or another bend, this claim appears as a double inclusion of the bend;

regarding claim 4, the limitation "a second generally horizontal bend" in line 2 is unclear whether the acute angled bend is the same bend as recited in claim 1 or another bend, this claim appears as a double inclusion of the bend; for purposes of examination, the examiner has equated the acute angled bend to the first horizontal bend and the another acute angled bend to the second horizontal bend; and,

regarding claim 5, the limitation "blocking web" in line 4 should be --blocking webs--;

regarding claim 7, the limitation "web" in lines 1 and 2 should be --web--;

regarding claim 8, the limitation "form rafter tabs, off each said left and right blocking web, that" in lines 1-2 should be deleted since it restates what has been said in claim 1 and confuses the subject matter trying to cover in this claim;

regarding claim 9, the limitation "an" in line 1 should be --the--, the limitation "thereby" in line 2 should be deleted, the limitation "placing" should be --places--, "a" in

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line 4 should be --the--, and "and" in line 5 should be --or-- as freezie boards and blocking are not shown simultaneously; and,

regarding claims 16 and 18-20, the objections are the same as those in claims 5 and 7-9, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leavens, 4,965,980 (see marked-up attachment), in view of Byers et al., 5,524,397 (see marked-up attachment).

Regarding claim 1, a unitary connector comprising a base web **42'**, offset, angled, blocking webs **22'** and an offset web **46'**. One of the blocking webs **22'** has a generally right angled bend **A3** forming a rafter tab **50'**. The base web **42'** and the blocking webs **22'** are connected by the offset web **46'**. The offset web **46'** has an acute angled bend **A6** attached to the base web **42'** and another acute angled bend **A7** attached to the blocking webs **22'**. However, Leavens fails to disclose each of the

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blocking webs **22'** each having a generally right angled bend **A3** forming a rafter tab **50'**.

Byers et al. disclose an unitary connector comprising blocking webs **A4** each having a generally right angled bend (col. 3, lines 41-46) forming a rafter tab **12c,12d** to allow a lumber segment to be placed against the rafter tab aligned parallel therewith.

Regarding claim 2, the base web **42'** has a generally flat, generally long-horizontal rectangular shape and nail holes **44'**.

Regarding claim 3, the acute angled bend **A6** is a first generally horizontal bend bent **A6** at an acute angle **A9**.

Regarding claim 4, the acute angled bend **A7** is a second generally horizontal **A7** at an acute angle **A10**.

Regarding claim 5, the first bend and the second bend are attached to opposite ends **A11** of the offset web **46'** and have generally unequal, acute bends **A9, A10** in opposite directions.

Regarding claim 7, the blocking webs **22'** divide into left and right blocking webs **22'**.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leavens, 4,965,980 (see marked-up attachment), in view of Byers et al., 5,524,397 (see marked-up attachment), and further in view of Callies, 5,230,198.

Regarding claim 8, the right angled bend **A3**, as taught by Byers et al., are generally vertical, parallel, and have no nail holes. Callies teaches in Figure 8 right angled bends **45** are vertical, parallel and have nail holes **347** to attach a roof rafter using nails (col. 37-39).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leavens, 4,965,980 (see marked-up attachment), in view of Byers et al., 5,524,397 (see marked-up attachment), and further in view of Callies, 5,230,198.

Regarding claim 10, the base web **42'**, and the blocking webs **22'** have attaching means **80** to an existing housing (applicant is reminded that the deck is part of a house). However, Leavens, as modified by Byers et al. fail to disclose each rafter tab **50'** having attaching means. Callies disclose each of the rafter tabs **45** having attaching means **40** to an existing housing (the roof rafter is part of the house) to connect the connector to a roof rafter. Therefore, as taught by Callies, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include attaching means on each rafter tab **50'** as modified by Leavens to connect the connector to a roof rafter.

Allowable Subject Matter

Claims 15-23 are allowed.

Claims 6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 6, the prior art of record does not disclose or suggest a connector, in combination with a roof, a wall, and a rafter of the roof, underlying structural members, forming a buttress between the rafter of the roof, the wall, and the structural members;

regarding claim 9, the prior art of record does not disclose or suggest a connector, in combination with frieze boards, a house, and blocking on the house, places blocking webs of the connector generally parallel to the frieze boards and blocking on the house;

regarding claim 15, the prior art of record does not disclose or suggest an apparatus comprising rafter tabs each having a strengthening tab; and,

regarding claims 16-23, these claims depend from claim 15.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



**Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600**

E.G.

July 23, 2003

Attachments: one-marked-up copy of Leavens, 4,965,980; and,
one-marked-up copy of Byers et al., 5,524,397.

